

App. Ser. No.: 09/576,516
Atty. Docket No.: D02301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/576,516
Confirm. No.: 4301
Inventor: Xin Qiu et al.
Filing Date: May 23, 2000
Title: Secure Control of Security Mode
Examiner: Pyzocha, Michael J.
Art Unit: 2137
Atty. Docket No.: D02301

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL CONFERENCE BRIEF

Please review the Final Rejection mailed on October 19, 2007. No amendments are being filed with this Brief. This Brief is being filed with a Notice of Appeal and required fee. The review requested is attached hereto and is not more than five (5) pages. A Petition for a Three (3) Month Extension is also being submitted herewith so this Brief may be filed on or before April 21, 2008 (April 19, 2008 being a Saturday).

In rejecting claim 1, the Examiner asserts Wasilewski et al. teach different security levels by using different EMMs for different programs in column 11, lines 10-23. Applicant disagrees with this statement. While the content of the EMMs varies in Wasilewski et al., the level of security in the alleged decryption key in the EMM does not change from EMM to EMM. In other words, Wasilewski et al. never describe using one algorithm to decrypt a first decryption key in a first EMM and another algorithm to decrypt a second decryption key in a second EMM. Since Wasilewski et al. never describe this type of algorithm shift, it follows Wasilewski et al. do not change security levels as asserted by the Examiner.

To compound this error, the Examiner relies on adding Sakamoto et al. to Wasilewski et al. In making this combination, the Examiner mischaracterizes Sakamoto et al. by asserting Sakamoto et al. teach encrypting different content at different levels in column 7, lines 5-23. This is incorrect. Sakamoto et al. teaching encrypting different parts of the same piece of content at different levels. In one example, Sakamoto et al. describe coding the content so as to create a high-quality portion and a low-quality portion. See column 5, lines 54-59. Thus, a single piece of content is encrypted using two different levels of encryption. This contradicts the Examiner's summarization of Sakamoto et al.

The Examiner is apparently arguing Sakamoto et al. change security levels among different pieces of content. Sakamoto et al. expressly teach against this concept. Instead, every piece of content gets the same amount of encryption. Specifically, a portion of the piece of content is encrypted at a high level while another portion of the same piece of content is encrypted at a lower level. Thus, in this example, every piece of content in

Sakamoto et al. is encrypted at least twice. Since every piece of content receives the same “treatment” in Sakamoto et al., it follows that Sakamoto et al. do not teach a change in level of encryption but rather that same amount of encryption for each piece of content.

For at least these reasons, Applicant respects that the rejections in the last Office Action be withdrawn and the Patent Office issue a Notice of Allowance.

Respectfully submitted,

Xin Qiu et al.

_____/Benjamin D. Driscoll/_____
Benjamin D. Driscoll
Reg. No. 41,571
Motorola, Inc.
101 Tournament Drive
Horsham, PA 19044
P (215) 323-1840
F (215) 323-1300

____April 21, 2008____
Date